

*Minutes of the*

**VIRGINIA LAND CONSERVATION FOUNDATION**

**Wednesday, June 12, 2002**

**Speaker's Conference Room  
General Assembly Building  
Richmond, VA**

**Board of Trustees Present**

The Honorable Malfourd W. Trumbo, Vice Chairman

David K. Paylor (for The Honorable W. Tayloe Murphy, Jr.)

Samuel G. Babbitt

Michael E. Belefski

Joanne S. Berkeley

Gregory Evans

T. Rod Layman

William M. Park, Jr.

R. Brian Ball

Clements T. Berezowski

E. Henry Doggett, III

Frederick W. Green, III

B.C. Leynes, Jr.

David H. Turner

**Board of Trustees Absent**

Stephen A. Bennett

The Honorable Robert W. Daniel

William A. Forrest

The Honorable Patricia S. Ticer

**Foundation Executive Staff Present**

Joseph H. Maroon, Executive Secretary

**Commonwealth of Virginia Staff Present**

Ann Andrus, DHR

Timothy J. Bishton, DCR

Suzan Bulbulkaye, DLS

John R. Davy, DCR

Michael R. Fletcher, DCR

Jeff Gore, DLS

Scott Kudlas, VEDP

Pam Mason, VIMS

Laura McKay, DEQ

Leslie Trew, VOF

Leon E. App, DCR

Don Blankenship, VDACS

Ray Davis, VDGIF

David C. Dowling, DCR

J. Michael Foreman, DOF

Natalee Johnsrud, DCR

Jeffrey Madden, VMRC

Virginia McConnell, DHR

Thomas Smith, DCR

**Others Present**

Sandra Alterfer, Cave Conservancy Foundation  
Russ Baxter, Chesapeake Bay Commission  
Dennis R. Baker, Middle Peninsula Land Trust  
Paul Gilbert, Virginia's United Land Trust  
Sam Hamilton, Virginia Agribusiness Council  
Terrie Hayes, Cave Conservancy Foundation  
Marilyn W. Layer, Middle Peninsula Land Trust  
Joe Lerch, Chesapeake Bay Foundation

**Call to Order**

Senator Trumbo, Vice Chairman called the meeting to order at 9:00 a.m. He noted that Secretary Murphy had been called away on other business.

He noted that since the last meeting of the Virginia Land Conservation Foundation was January, 2001. He asked members at the table to introduce themselves.

**Minutes of January 4, 2001 Meeting**

MOTION: Mr. Layman moved that the minutes of the January 4, 2001 meeting be approved as submitted.

SECOND: Mr. Belefski

DISCUSSION: None

VOTE: Motion approved unanimously.

**Financial Report**

Mr. Bishton provided a financial report current through April 30, 2002 (Copy attached as Attachment #1).

He reviewed a status report of projects approved in fiscal years 2000 and 2001.

He noted that \$791,464 of unused funds reverted back to the Department of Planning and Budget as a result of budget reductions authorized by Governor Gilmore.

The current fund balance as of April 30, 2002 is \$3,339,468. Everything but the interest, less administrative expenses has been earmarked.

**Legislative Briefing**

Mr. App provided an update regarding legislation from the 2002 General Assembly session. He noted that a number of actions related directly to the Virginia Land Conservation Foundation.

There was a special vehicle registration program authorized to collect an additional two dollars, unless the registered owner elects not pay this charge, at the time of registration on each pickup, panel truck, or vehicle. This \$2.00 is to support the special license plate program and other activities in commemoration of the 400<sup>th</sup> anniversary of Jamestown Settlement in 2007. Fund collected in excess of DMV's administrative charges and Jamestown-Yorktown's \$5,000,000 per year allocation are to be transferred to the Virginia Land Conservation Foundation to be used for preservation of open-space lands, in support of the goal of protecting one million acres of open-space lands by 2007. A fiscal impact statement suggests that a mandatory two-dollar fee would generate \$13 million dollars. A fifty percent compliance would generate \$6.5 million. After DMV and JYF payments, VLCF might receive between \$1 million and \$7.5 million.

Additional funds of \$6,066,000 for the biennium were allocated to provide for the Commonwealth's continued participation in the federal Conservation Reserve Program (CREP).

Support for the Virginia Outdoors Foundation was restored to the \$600,000 level of 2001. An additional \$200,000 per year in operating support increased support from \$400,000 for FY 2002 to \$600,000 for FY 2003.

The Commonwealth of Virginia Park and Natural Areas Bond Act of 2002, authorizes the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$119,040,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election. The purpose of the bonds is to provide funds for numerous capital projects at state parks. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

The bond provides for the following: [Acquisition - \$30 million; Inholdings and adjacent properties - \$6.5 million; Shoreline Erosion - \$4.5 million; Trail Improvements - \$2.0 million; and Approximately 67 Renovation or Development Construction Projects - \$76,040,000]

The Virginia Public Building Authority and Virginia College Building Authority authorizes the Virginia Public Building Authority and the Virginia College Building

Authority to undertake numerous public capital projects throughout the Commonwealth for a principal amount not to exceed \$166,374,000 and \$164,946,996, respectively, and to issue bonds to finance the cost thereof.

The bond provides the following to DCR: Land Acquisition - \$20 million; Mason Neck shoreline - \$694,000; Lake Anna cabins - \$921,000. This bond does not require voter approval.

House Bill 1222, the Environmental Stewardship Bond Act of 2002 did not pass.

House Bill 912 requires the Secretary of Natural Resources to examine options for providing a stable source of funding for conservation of open space, including options for additional grant support and public-private partnerships, and other issues as may seem appropriate regarding land conservation.

Senate Bill 146 authorizes the Department of Conservation and Recreation to accept from The Trust for Public Land approximately 45 acres in James City County. This property will be included as property within York River State Park.

Senate Bill 249 authorizes the Department of Conservation and Recreation to amend a lease with the Secretary of the Army for the purpose of providing additional recreational facilities, not to be operated by the Department, at Occoneechee State Park in Mecklenburg County. The amendment is subject to the Administrative Process Act and must be included in the park's master plan. The bill limits any further sublease of the property to public entities, subject to the approval of the Department, Governor and Attorney General.

SJ 85 Study on Paradise Creek requests the Department of Conservation and Recreation to study future land use along Paradise Creek and to recommend ways the Commonwealth might participate in the development of a public park, a recreational area, and a wildlife preserve. The Department must submit its report to the Governor and the 2003 Session of the General Assembly.

House Bill 587 and companion Senate Bill 416 requires all boards, commissions, councils and other public bodies created in the executive branch of state government and subject to the provisions of the Freedom of Information Act to post minutes of their meetings on the Internet. Under the bill, draft minutes must be posted within ten working days of each meeting and final minutes within three working days of final approval of the minutes. DCR has tried to implement this immediately.

HJ 60 Study on the revision of the tax code will review the current method of imposing taxes on farm real estate and alternative methods for imposing farm real estate taxes, including the feasibility of replacing the current method with a tax on the value of what is produced by farms.

Senate Bill 592 was carried over until the 2003 session. The bill would direct the Virginia Waste Management Board to develop new permit fee schedules sufficient to cover no more than 20 percent of the direct costs of the hazardous and solid waste programs, using as the base the amounts allocated to these programs in the 2002 Appropriations Act; however, no individual permit fee can increase more than 300 percent. The bill also triples the statutory caps on water permit fees.

This bill would provide for open space preservation through the Virginia Land Conservation Foundation and the Virginia Outdoors Foundation, provide grants to all Virginia localities for a wide variety of natural resources purposes, and provide additional funding to the Water Quality Improvement Fund.

Senator Trumbo thanked Mr. App and asked if members had any questions.

Mr. Layman said that his understanding of the license fee was that the Jamestown-Yorktown Foundation would get the first \$5 million and that the VLCF would get the next \$5 million but no more.

Mr. Maroon noted that the first five million goes to the Jamestown-Yorktown Foundation and that any additional amount would go to the Virginia Land Conservation Foundation.

Senator Trumbo noted that the tipping fee bill was an amendment from the Governor and that it did not pass the Senate for procedural reasons.

Mr. Belefski asked if the VLCF could go on record in support of the General Obligation Bond issue.

Mr. Maroon said that the General Obligation Bond would provide funding for three new state parks and ten additional natural area preserves, as well as shoreline erosion protection in a number of parks.

He said that the money will be well spent, but that the Bond requires voter approval in November.

Mr. Maroon noted that DCR staff have consulted with the Governor's office and the Attorney General regarding the extent of participation by staff and collegial body members. At this time, DCR has not received specific guidance. However, he noted that DCR would be happy to provide additional information regarding the Bond issue to members.

He noted that this Bond, along with the Higher Education Bond, does not require a tax increase. The Transportation Bond under consideration does require a tax increase.

Senator Trumbo noted that it would be a concern if the group were not unanimous in support of the Bond.

Mr. Evans noted that Virginia State Parks were recently voted as the number one park system in the country, while at the same time being ranked at the bottom of per capita funding for state parks. He said that support of the General Obligation Bond was entirely in keeping with the function of a Board member.

MOTION: Mr. Belefski moved that the Virginia Land Conservation Foundation support with enthusiasm the passage of the Virginia State Park and Natural Area Bond Act of 2002.

SECOND: Ms. Berkeley

DISCUSSION: None

VOTE: Motion carried unanimously.

### **Status of the Conservation Lands and Sites Databases and the Open Space Report**

Mr. Smith presented an overview of the Conservation Lands Databases. The databases are partially funded through the VLCF.

DCR's Conservation Lands Database includes all lands permanently protected by federal, state and local governments and private entities. DCR began collecting and mapping the boundaries and attribute data for managed lands in 1986. Previously the information had not been available, but will be available on a public website later this summer.

There will be two different levels of information available for users. The public may go to the website and be able to interface with the database and create maps and reports. GIS planners and others will be able to access data for download and use in GIS systems.

The second database is DCR's Conservation Sites Database which identifies the rare plant and animal populations and exemplary natural community areas that merit protection efforts. Conservation sites are mapped boundaries that enclose one or more rare plant or animal locations, or a natural community, and the surrounding habitat or buffer necessary to protect the resource(s). This information is computerized using latitude and longitude. Over the past year DCR has been working to develop boundaries for some 1,400 areas around the state.

Mr. Dowling gave a report on "Open-Space Preservation and Land Conservation in Virginia."

Mr. Dowling noted that this information was compiled at the request of Delegate Kirk Cox who is Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources. Delegate Cox asked DCR to address how much open space Virginia has related to the Commonwealth's 2007 goal of protecting 1,000,000 acres of land.

The 2007 goal includes:

- 1) All conservation lands in which the state holds and interest (including conservation and open-space easements) and
- 2) those lands protected through monies from the Virginia Land Conservation Foundation.

Virginia currently has about 23.6 million acres of “open space” (Total Land Acreage minus Urban). Of the total estimated land area of Virginia, which is estimated at 25.27 million acres, over 3 million acres or 12% is currently protected.

The Commonwealth has protected about 52% or approximately 519,493 acres towards the 2007 goal.

The second goal is related to the Chesapeake Bay 2000 agreement to permanently protect 20% of the Bay watershed. The Bay jurisdictions had already protected 17.2 percent at the time of the agreement. Virginia had protected 16.1 percent of that total.

The Virginia Land Conservation Foundation has awarded \$10.5 million and protected 9,127 acres. These monies required at 50% match. The average cost to the state to protect an acre was \$1,155.

The 2001 Chesapeake Bay Commission and Trust for Public Land report on preserving land in the Bay Watershed cited that for the period of 1992 to 1999 the average total costs to protect an acre was \$2,225.

At \$10 million per year it will take 60.4 years to reach Virginia’s 2010 Bay target. To actually meet the goal by 2010 it will take \$67 million per year. To reach the 2007 goal will take \$92 million per year.

Mr. Maroon noted that the report indicates the resources need to meet the goals. However, if these properties are protected through easements or donations, the cost will be less.

### **Virginia Outdoors Plan**

Mr. Davy presented members with the 2002 Virginia Outdoors Plan and gave an brief overview the plan.

The Virginia Outdoors Plan is the Commonwealth’s official conservation outdoor recreation and open space plan. The plan is intended to serve as a guide to all levels of government and the private sector in meeting the state’s conservation, outdoor recreation and open space needs. Virginia has produced a Virginia Outdoors Plan every five years since 1966 in accordance with §10.1-200 of the *Code of Virginia*.

The plan meets a requirement for Virginia's participation in the federal Land and Water Conservation Fund (L&WCF) program. An approved plan is necessary for Virginia to receive approximately \$3 million this year and at current funding levels, \$15 million over the five-year period of eligibility. This money is made available on a matching basis to state agencies and localities for the acquisition and development of outdoor recreation resources. Approval of the 2002 plan will extend Virginia's eligibility through December 31, 2006.

The plan developed a new outdoor recreation resource inventory through the 2002 Virginia Outdoors Survey, an advisory committee and more than 40 public meetings.

Key issues for the 2002 Virginia Outdoors Plan were:

- livable/walkable communities
- water quality, eco-tourism
- thematic trail opportunities (birding, history, heritage)
- green infrastructure
- open space growth management issues and trends
- integrated systems
- urban/community forestry
- creating a conservation ethic
- health/fitness relationship to outdoor recreation resources
- partnerships
- benefits of good land use planning
- expanding land conservation tools (purchasing development rights)
- importance of local park and open space plans
- identifying greenway/blueway opportunities
- funding for maintenance, capital improvements and operation management
- changing cultural demographics and the planning implications
- accessibility for people with disabilities
- ease of access through public transportation

Innovations in the 2002 Virginia Outdoors Plan include:

- new format for ease in finding important information
- more than 600 specific findings and recommendations
- expanded coverage of land conservation and open space issues
- inclusion of e-mail addresses
- inclusion of case studies
- major new chapters on: Sustainable development, Carrying capacity, Conservation ethics and Land use planning
- New, larger GIS-based maps for each region

Mr. Davy thanked members and provided them with a copy of the plan. The plan will be made available on CD.

### **Grant Project Change Approval**

Mr. Davy addressed a request to change the specifications of the grant awarded to the Middle Peninsula Land Trust.

This grant involved protection of natural areas. The initial property addressed in the grant was appraised at \$80,000. The owner refused to take less than \$150,000. This is not a proper expenditure of public funds.

The Middle Peninsula Land Trust identified to other parcels of land that tie in well with the project.

Ms. Layer and Mr. Baker of the Middle Peninsula Land Trust noted that the Land Trust believes this to be an excellent project and a good substitution for the original project.

Mr. Paylor asked if the proposal would purchase one or both of the properties.

Mr. Davy explained that the Land Trust would purchase whichever parcel they could obtain with an appraised value of \$155,000.

MOTION: Mr. Leynes moved that the Virginia Land Conservation approve the transfer of \$155,000 from the Middle Peninsula Land Trust's proposed Exum Property Acquisition, part of the Garden Creek/Winter Harbor grant award, to the similarly located Warthen property, Richardson estate and related lands.

SECOND: Ms. Berkeley

DISCUSSION: Mr. Berezoski asked how much of the property had potential for development since most of the area is wetland area.

Mr. Davy noted that if there was a current structure, it could be rebuilt and rehabilitated. A developable lot would drive up the cost of the property.

Mr. Doggett asked if the Land Trust had a preference concerning the properties.

Ms. Layer said that the Land Trust is committed to completing the grant in the best manner.

VOTE: Motion carried unanimously.

**Virginia United Land Trust (VaULT) Briefing**

Mr. Paul Gilbert presented an update from Virginia's United Land Trusts (VaULT).

VaULT was founded in November of 2000 as a coalition of land trust organizations that are active in Virginia.

Currently there are 28 Land Trusts in Virginia. There are over 1,200 Land Trusts nationwide.

Land trusts protect land by working with landowners who wish to donate or sell conservation easements or by acquiring land outright to maintain as open space.

In the Months of May and June, 2002 VaULT conducted six regional strategic planning workshops across Virginia. The resulting conservation plan will identify both priority areas by region for land conservation, as well as capacity, funding and other resources present or needed. This plan will hopefully serve as a supplement to the Virginia Outdoors Plan with a prime focus on private conservation.

**FY02 Reimbursement Expenses**

Mr. Maroon presented a summary of funds expended by the Department of Conservation and Recreation related to Virginia Land Conservation Foundation activities. The law has been amended to allow up to \$250,000 of fund interest to be used for operating expenses.

The amount requested for FY2002 was as follows:

<b>Expenditure Item</b>	<b>FY02</b>
Conservation Lands Database and Website Management	59,476
Additional DCR Expenses for Grants Management, Budget Management, and Other Related Foundation Responsibilities	52,927
Website Development and Staffing (Contract with Department of Information Technology)	56,000
Computer Hardware (Server)	10,000
<b>Total</b>	178,403
<b>Amount Requested</b>	125, 476

- MOTION: Mr. Leynes moved that the Virginia Land Conservation Foundation approve the FY02 Reimbursement Request as presented.
- SECOND: Mr. Belefski
- DISCUSSION: None
- VOTE: Motion carried unanimously.

### **FY03 Foundation Expenses**

Senator Trumbo noted that he asked Mr. Maroon to include the next item which would provide expenses to be reimbursed on a quarterly basis. Currently, expenses are reimbursed annually as per the above motion.

Mr. Maroon presented the following request:

<b>Expenditure Item</b>	<b>FY03</b>
Conservation Lands Database and Website Management	59,476
Additional DCR Expenses for Grants Management, Budget Management, and Other Related Foundation Responsibilities	52,927
Website Development and Staffing (Contract with Department of Information Technology)	56,000
<b>Total</b>	168,403
<b>Amount Requested</b>	115, 476

Mr. Maroon noted that DCR is looking for essentially the same amount of funding.

- MOTION: Mr. Leynes moved that the Virginia Land Conservation Foundation approve the foundation expense request as presented.
- SECOND: Mr. Doggett
- DISCUSSION: Mr. Berezoski asked if staff had considered the possibility of future additional funding reductions.

Mr. Maroon noted that DCR has about \$50,000 in expenses for FY02 and FY03 for which reimbursement was not requested. He

noted that other task force member agencies may also have funding needs not being reimbursed.

Senator Trumbo noted that other task force member agencies should present their funding needs pertaining to VLCF activities.

VOTE: Motion carried unanimously.

### **Reports from Task Force Member Agencies**

#### *Department of Agriculture and Consumer Services*

Mr. Don Blankenship, Deputy Commissioner, gave the report for the Department of Agriculture and Consumer Services. He noted that in the 2000 session the Virginia Agriculture Vitality program was the departments primary concern.

The commissioner has appointed a farmland task force. Cooperating members include Virginia Cooperative Extension, the Department of Forestry, the Department of Conservation and Recreation, the Virginia Outdoors Foundation, the Department of Business Assistance, farmers and farm interest groups.

#### *Department of Forestry*

Mr. Michael Foreman gave the report for the Department of Forestry. He noted that the Department's number two goal is conservation of the land base. The previous open space report noted that the Commonwealth is losing 50,000 acres of forest land per year.

Virginia's forest industry provides about \$30 billion dollars annually to the state economy.

#### *Department of Game and Inland Fisheries*

Mr. Ray Davis gave the report for the Department of Game and Inland Fisheries.

DGIF is the hunting, fishing, boating and wildlife watching agency. Over 200,000 acres in the state are open and free to the public through DGIF. The funding comes from the sportsmen of the Commonwealth.

DGIF recently obtained a the Big Survey property in Wytheville. This represents about 9,000 acres.

DGIF was the principle funding entity for the Virginia Birding Trail. The department maintains a mapping system showing endangered wildlife species in the Commonwealth.

Mr. Berezoski asked if the reason some boating ramps were not being opened was due to a lack of funding.

Mr. Davis noted that it is not the intent of DGIF to close any boat ramps. Some are currently closed due to the need for repairs.

*Department of Historic Resources*

Ms. Virginia McConnell gave the report for the Department of Historic Resources.

The Department of Historic Resources has identified over 150,000 cultural, historical and archaeological resources throughout the state.

Through the department's easement program and 335 easements, DHR is protecting over 17,000 open space, cultural and archaeological resources as well as more than a 100 city buildings and lots.

DHR has regional offices in Winchester, Portsmouth, Petersburg and Roanoke.

*Marine Resources Commission*

Mr. Jeff Madden gave the report for the Marine Resources Commission.

Mr. Madden said that in 1993 the General Assembly recognized the need for the Marine Resources Commission as well as the Virginia Institute of Marine Science (VIMS) to identify land along the eastern shore. Currently VMRC manages 28,000 acres of marsh meadowlands.

The lands, located on the barrier islands of Virginia are available to use and enjoy. Delegate Robert Bloxom was instrumental in the establishment of VMRC.

*Virginia Outdoors Foundation*

Ms. Leslie Trew presented the report for the Virginia Outdoors Foundation.

Ms. Trew said that the Virginia Outdoors Foundation has five office statewide. They are located in Richmond, Blacksburg, Staunton Charlottesville and Aldie.

The Virginia Outdoors Foundation was established in 1996 for the purpose of protecting open space. Easements negotiated by the VOF restrict the kind and type of developments that can occur on certain properties.

THE VOF is one of the largest land trusts in the United States. Currently the VOF administers the open space lands preservation fund.

Mr. Turner asked if there were cases where landowners had wanted to take away easements in order to resell their property.

Ms. Trew stated that this is a frequent occurrence when land is sold or transferred to the next generation. However, removing the easement is not possible just to remove a property from the easement program. There is a mechanism to take property out of the conservation easement program, but that property must be replaced by other property equal in economic and conservation value. To date, VOF has not done this.

#### *Department of Conservation and Recreation*

Mr. Maroon reported that at the end of 2001, DCR established the Office of Land Conservation. Mr. Matt Bley is the coordinator of that program which will bring additional focus to the need for land conservation.

Mr. Maroon stated that DCR is working closely with other agencies. None of the agencies have the resources or the capability to do the work by themselves.

Senator Trumbo noted that as a subcommittee chairman for the Senate Finance Committee that it was very difficult to deal with the issue of state employee compensation and other aspects of that issue. He said that he was confident those present recognized the value and importance of the state employees.

#### *Public Comment*

There was no public comment.

#### *Other Business*

Mr. App directed member's attention to a letter from Mr. Fred Fisher, Assistant Attorney General addressing the usage of VLCF interest relating to the above approved motions.

Mr. Evans said that the pump is primed for the General Obligation Bond and that Foundation members should be able to help in the passage of the Bond. He noted that the VLCF voted unanimously to support the Bond. He asked that DCR provide appropriate guidance concerning what members could do to promote the issue.

Mr. Maroon thanked Mr. Evans for those comments. He said that, particularly as individuals, that members could promote the Bond. He noted that in the capacity of a Board member that same freedom might not be available. The Governor's office is

coordinating a campaign structure for the Bond and additional information will be forthcoming.

He noted that many citizens at this point are not aware of the Bond referendum, and he noted that information could be disseminated through newsletters and other venues.

Ms. Layer noted that there is also confusion between the transportation bonds and the parks and natural areas bond.

Mr. Paylor said that is an important note and that it is important that staff and board members educate the public regarding how the parks and natural areas bond differs from the transportation and higher education bonds. He noted that some will favor the park and natural areas bond, but oppose the transportation bond.

*Adjourn*

There being no further business, the meeting was adjourned.

Approved:

Respectfully submitted:

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The Honorable W. Tayloe Murphy, Jr.  
Chairman

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Joseph H. Maroon  
Executive Secretary